

**REMARKS**

The claims are proposed to be amended simply to correct an inadvertent error in designating a sequence other than the elected invention. Applicants elected to prosecute claims directed to  $\alpha_{1G}$  subunits in a response to a Restriction Requirement filed 8 May 2002. In the subsequent amendment, the claims were mistakenly amended to refer to SEQ. ID NO. 28 which refers to the non-elected invention directed to subunit  $\alpha_{1I}$ . In the claims as amended, SEQ. ID NO. 37 is the deduced amino acid of the human  $\alpha_{1G}$  sequence and SEQ. ID NO. 24 is the deduced amino acid sequence of the corresponding rat  $\alpha_{1G}$  subunit isolated by Applicants.

To expedite prosecution, the claims have also been narrowed to require only 99% homology rather than 95% homology. It is believed that the amendment will work to the convenience of the Office as it conforms with the subject matter previously examined and to narrow the scope of the claims. Entry of the amendment is respectfully requested.

To follow is a supplementary information disclosure statement with additional documents of interest. Specifically:

U.S. Patent 6,528,630 with a filing date 3 December 1997 discloses the sequence of a human  $\alpha_{1II}$  T-type calcium channel subunit.

U.S. 2003/125,269 based on an application filed 26 August 1999 discloses the sequence of the  $\alpha_1$  subunit of a rat T-type calcium channel. Provisional 60/117,339 filed 27 January 1999 from which priority is claimed is also enclosed.

U.S. 6,309,858 filed 23 September 1999 discloses sequences of two  $\alpha_{1I}$  human T-type subunits.

U.S. 6,358,706 filed 26 October 1999 discloses a 2273 amino acid sequence of a human  $\alpha_{1G}$  subunit.

The priority document 08/985,809 filed 3 December 1997 for WO 99/029847 already of record, which discloses human  $\alpha_{1G}$  and  $\alpha_{1H}$  sequences.

WO 00/7044 filed 8 May 2000 which discloses  $\alpha_{1G}$  and  $\alpha_{1I}$  splice variants of the human T-type calcium ion channel.

These documents are believed relevant as they disclose amino acid sequences of  $\alpha_1$  T-type subunits.

Applicants wish again to express their appreciation to Supervisory Examiner Brumback for consideration of this amendment.

**CONCLUSION**

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket No. 381092000721.

Respectfully submitted,

Dated: September 14, 2004

By:

Kate H. Murashige

Kate H. Murashige

Registration No. 29,959

Morrison & Foerster LLP

3811 Valley Centre Drive, Suite 500

San Diego, California 92130-2332

Telephone: (858) 720-5112

Facsimile: (858) 720-5125